

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

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SENATE BILL 308
Agriculture, Energy, and Environment Committee Substitute Adopted 3/30/21
Third Edition Engrossed 4/1/21
House Committee Substitute Favorable 10/20/21

Short Title: Various Building Code Amend.

(Public)

Sponsors:

Referred to:

March 17, 2021

A BILL TO BE ENTITLED

AN ACT TO PREVENT DELAY IN THE ISSUANCE OF TEMPORARY CERTIFICATES OF OCCUPANCY, TO CLARIFY ELECTRIC WIRING REQUIREMENT REFERENCES, TO MODIFY ONE- OR TWO-FAMILY DWELLING RESIDENTIAL DEVELOPMENT FIRE APPARATUS ACCESS ROAD REQUIREMENTS, AND TO EXPAND AUTHORITY TO COUNTIES TO SELL ABANDONED CEMETERIES.

The General Assembly of North Carolina enacts:

SECTION 1.(a) G.S. 160D-1104(d), as amended by Section 12.5(b) of S.L. 2021-117 and Section 4(a) of S.L. 2021-121, reads as rewritten:

"(d) Except as provided in G.S. 160D-1117 and G.S. 160D-1207, a local government may not adopt or enforce a local ordinance or resolution or any other policy that requires regular, routine inspections of buildings or structures constructed in compliance with the North Carolina Residential Code for One- and Two-Family Dwellings in addition to the specific inspections required by the North Carolina Building Code without first obtaining approval from the North Carolina Building Code Council. The North Carolina Building Code Council shall review all applications for additional inspections requested by a local government and shall, in a reasonable manner, approve or disapprove the additional inspections. This subsection does not limit the authority of the local government to require inspections upon unforeseen or unique circumstances that require immediate action. In performing the specific inspections required by the North Carolina Residential Building Code, the inspector shall conduct all inspections requested by the permit holder for each scheduled inspection. For each requested inspection, the inspector shall inform the permit holder of instances in which the work inspected is incomplete or otherwise fails to meet the requirements of the North Carolina Residential Code for One- and Two-Family Dwellings or the North Carolina Building Code. When a subsequent inspection is conducted to verify completion or correction of instances of Code noncompliance, any additional violations of the Code noted by the inspector on items already approved by the inspections department ~~may~~ shall not delay the issuance of a temporary certificate of occupancy, ~~but~~ and the inspections department shall not charge a fee for reinspection of those items."

SECTION 1.(b) This section becomes effective January 1, 2022, and applies to inspections associated with permits applied for on or after that date.

SECTION 2. G.S. 143-143.2 reads as rewritten:

"§ 143-143.2. **Electric wiring of houses, buildings, and structures.**

(a) The electric wiring of houses or buildings for lighting or for other purposes shall conform to the requirements of the State Building Code, ~~which includes the National Electric~~



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1 ~~Code and any amendments and supplements thereto as adopted and approved by the State~~
2 ~~Building Code Council, Code and any other applicable State and local laws.~~

3 (b) In order to protect the property of citizens from the dangers incident to defective
4 electric wiring of buildings, it shall be unlawful for any firm or corporation to allow any electric
5 current for use in any newly erected building to be turned on without first having had an
6 inspection made of the wiring by the appropriate official electrical inspector or inspection
7 department and having received from that inspector or department a certificate approving the
8 wiring of such building. It shall be unlawful for any person, firm, or corporation engaged in the
9 business of selling electricity to furnish initially any electric current for use in any building,
10 unless said building shall have first been inspected by the appropriate official electrical inspector
11 or inspection department and a certificate given as ~~above provided.~~ required by this subsection.

12 (c) In the event that there is no legally appointed inspector or inspection department with
13 jurisdiction over the property involved, ~~the two preceding sentences~~ subsections (a) and (b) of
14 this section shall have no force or effect.

15 (d) As used in this section, "building" includes any structure."

16 **SECTION 3.(a)** Definitions. – As used in this section, "Council" means the North
17 Carolina Building Code Council and "Code" means the current North Carolina Building Code
18 collection, and amendments to the Code, as adopted by the Council.

19 **SECTION 3.(b)** Code Amendment. – Until the effective date of the Code
20 amendment that the Council is required to adopt pursuant to this section, the Council, Code
21 enforcement official, or fire code official enforcing the Code shall follow the provisions of
22 subsection (c) of this section as it relates to Sections D107.1 and D107.2 of the 2018 North
23 Carolina Fire Code and other provisions that relate to the fire apparatus access roads for one- or
24 two-family dwelling residential developments.

25 **SECTION 3.(c)** Implementation. – Notwithstanding any provision of the Code or
26 law to the contrary, in a one- or two-family dwelling residential development where two fire
27 apparatus access roads are required, the Council, Code enforcement official, or fire code official
28 shall not require that fire apparatus access roads are placed a distance apart equal to not less than
29 one-half of the length of the maximum overall diagonal dimension of the property or area to be
30 served, measured in a straight line between accesses, where conformance is technically
31 infeasible, as determined by the property owner or developer. Reasons that conformance is
32 technically infeasible may include road connectivity limitations, real property dimensions or
33 limitations, real property acquisition constraints, or environmental constraints. For developments
34 where compliance is technically infeasible, the Council, Code enforcement official, or fire code
35 official shall either not require two fire apparatus access roads or allow for alterations that provide
36 for fire apparatus access road remoteness to the maximum extent technically feasible.

37 **SECTION 3.(d)** Additional Rulemaking Authority. – The Council shall adopt a rule
38 to amend Sections D107.1 and D107.2 of the 2018 North Carolina Fire Code consistent with
39 subsection (c) of this section. Notwithstanding G.S. 143-136(c), the Residential Code Committee
40 within the Council shall consider the amendment required by this section. Notwithstanding
41 G.S. 150B-19(4), the rule adopted by the Council pursuant to this subsection shall be
42 substantively identical to the provisions of subsection (c) of this section. Rules adopted pursuant
43 to this section are not subject to Part 3 of Article 2A of Chapter 150B of the General Statutes.
44 Rules adopted pursuant to this section shall become effective as provided in G.S. 150B-21.3(b1),
45 as though 10 or more written objections had been received as provided in G.S. 150B-21.3(b2).

46 **SECTION 3.(e)** Sunset. – This section expires on the date that rules adopted pursuant
47 to subsection (d) of this section become effective.

48 **SECTION 3.5.(a)** G.S. 160A-344 reads as rewritten:

49 **"§ 160A-344. Authority to assume control of abandoned cemeteries.**

50 (a) Whenever property not under the control or in the possession of any church or
51 religious organization in any city has been heretofore set aside or used for cemetery purposes,

1 and the trustees or owners named in the deed or deeds for the property have died, or are unknown,
2 or the deeds of conveyance have been lost or misplaced and no record of title thereto has been
3 found, and the property has been occupied and used for burial purposes for a time sufficient to
4 identify its use as cemetery property, the city in which the cemetery is located is authorized to
5 take possession of the land and any adjoining land not held by known claimants of title, have the
6 property surveyed and lines established, and to designate and appropriate the property as a city
7 cemetery.

8 (b) The city may have the land subdivided and laid off into family burial plots, may sell
9 any of the unused lots so laid off to any person for burial purposes, and may use the proceeds of
10 the sale for the improvement and upkeep of the cemetery.

11 (c) The city may appropriate and use funds for the improvement and maintenance of the
12 cemetery, and all laws and ordinances applicable to city cemeteries shall apply to the cemetery
13 from and after the date that the city assumes control of it.

14 (d) When the cemetery is located outside any city limits and is wholly located within the
15 county, the county shall upon request from a verified descendant put the cemetery up for sale to
16 all verified descendants in accordance with the county's excess property sale process within 30
17 calendar days of the request if the cemetery meets the following additional criteria:

18 (1) The total cemetery area is less than 1 acre.

19 (2) There is a historical significance.

20 (3) The trustees or owners named in the deed or deeds for the property have died,
21 or are unknown, or the deeds of conveyance have been lost or misplaced and
22 no record of title thereto has been found, and the property has been occupied
23 and used for burial purposes for a time sufficient to identify its use as a
24 cemetery property."

25 **SECTION 3.5.(b)** This section becomes effective January 1, 2022.

26 **SECTION 4.** Except as otherwise provided, this act is effective when it becomes

27 law.